

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

THE UNITED STATES OF AMERICA and
THE STATE OF NEW YORK *ex rel.*
DR. ANTONI NARGOL and
DR. DAVID LANGTON,

Plaintiffs-Relators,

v.

DEPUY ORTHOPAEDICS, INC., DEPUY, INC.,
and JOHNSON & JOHNSON SERVICES, INC.,

Defendants.

Case No. 12-10896-MPK

HONORABLE
M. PAGE KELLEY

**RELATORS' COMBINED MOTION, PURSUANT TO FEDERAL RULES OF CIVIL
PROCEDURE 52 (b), 59(e) and 60 (b), FOR RELIEF FROM ORDERS AND
JUDGEMENT (S); AND THAT FINAL JUDGEMENT (S) BE ALTERED AND
AMENDED OR, IN THE ALTERNATIVE, THAT THE RELATORS BE GRANTED A
NEW TRIAL AND REHEARING**

Pursuant to Federal Rules of Civil Procedure 52(b), 59(e) and 60 (b), the Relators Drs. Antoni Nargol and David Langton ("Relators") move that the Court to set aside, amend, or alter the Court's November 10, 2021 Order (the "November 10 Order") determining that the Relators' Second Amended Complaint filed on May 4, 2015 (#210) (the "SAC") should be dismissed with prejudice without leave to amend. The November 10 Order reverses the Court's July 6, 2021 Order (#542) denying DePuy's Motion to Strike and Dismiss.

As set forth more fully in the Memorandum of Law in Support of Relators' Motion, Relators respectfully submit that the Court should set aside or alter the November 10, 2021 Order granting DePuy's Motion for Reconsideration (#545), modify or reinstate its Order of July 6, 2021 (#542), grant Relators' other requested relief set forth in their Memorandum of Law, and set aside the Motion for Reconsideration's dismissal of the Relators' *qui tam* action with

prejudice, pursuant to Fed.R.Civ.P. Rule 41(b) for failure to comply with one or more court orders. As grounds for this Motion, Relator relies on and incorporates fully the Memorandum of Law, submitted herewith.

WHEREFORE, Relators respectfully request that the Motion be GRANTED.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1, Relators hereby request that the Court set a hearing date and hear oral argument on the Motion.

Dated: January 4, 2022

Respectfully submitted,

/s/ Ross B. Brooks

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